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15 Attorneys for Defendant
16 APPLE INC.

17 UNITED STATES DISTRICT COURT
18 NORTHERN DISTRICT OF CALIFORNIA
19 SAN JOSE DIVISION

20 ANDREA M. WILLIAMS AND JAMES
21 STEWART, On Behalf of Themselves And
22 All Others Similarly Situated,

23 Plaintiffs,

24 v.

25 APPLE INC.,

26 Defendant.

Case No. 5:19-cv-04700-LHK

**DECLARATION OF AHMED BASHIR IN
SUPPORT OF DEFENDANT APPLE INC.'S
ADMINISTRATIVE MOTION TO FILE
UNDER SEAL APPLE INC.'S
ADMINISTRATIVE MOTION FOR LEAVE
TO FILE A SUR-REPLY TO PLAINTIFFS'
REPLY IN SUPPORT OF THEIR MOTION
FOR CLASS CERTIFICATION AND
RELATED DOCUMENTS**

Judge: The Hon. Lucy H. Koh
Cttrm: 8, 4th Floor
Date: March 4, 2021
Time: 1:30 p.m.

1 I, Ahmed Bashir, declare:

2 1. I am currently employed as Director of Engineering, iCloud at Apple, Inc. (“Apple”),
3 where I oversee iCloud operations with a broad focus on distributed storage, data analytics, and high-
4 scale platform engineering. In this capacity, I have direct knowledge, among other things, regarding
5 Apple’s iCloud data storage practices, business plans and projects, and trade secrets sufficient to
6 identify what information could cause competitive harm to Apple should it be disclosed publicly. I
7 submit this declaration in support of Apple’s Administrative Motion to File Under Seal Apple’s
8 Administrative Motion for Leave to File a Sur-Reply to Plaintiffs’ Reply in Support of Their Motion
9 for Class Certification and Related Documents (“Apple’s Motion to Seal”).

10 2. Apple’s success is due in large part to its ability to monetize its products, including
11 iCloud. iCloud data storage practices, business plans and projects, and trade secrets are key
12 components of that strategy. Apple faces significant competition from other companies in the cloud
13 storage space. Accordingly, Apple strives to keep information relating to iCloud highly confidential,
14 including the service’s data storage practices, business plans and projects, and trade secrets.

15 3. Apple’s Administrative Motion for Leave to File a Sur-Reply to Plaintiffs’ Reply in
16 Support of Their Motion for Class Certification (“Apple’s Motion for Leave to File Sur-Reply”) and
17 Exhibits A (“Apple’s Sur-Reply”), B, and C to the Declaration of Lauren Pomeroy in Support of
18 Apple’s Motion for Leave to File Sur-Reply (“Pomeroy Declaration”), which Apple seeks to seal in
19 whole or in part, contain highly valuable and sensitive business information related to, among other
20 things, Apple’s iCloud data storage practices and business plans and projects. Competitors could use
21 this information to gain insight into Apple’s strategic decision-making and practices, and thus
22 determine whether, among other things, to implement similar tactics without investing the necessary
23 time and resources to independently develop their own plans and projects. Accordingly, public
24 disclosure of the identified information concerning Apple’s iCloud data storage practices and business
25 plans and projects would cause Apple significant competitive injury, as competitors could use this
26 information to gain an unfair advantage over Apple.

27 4. Apple’s Motion for Leave to File Sur-Reply, Apple’s Sur-Reply, and Exhibits B and C
28 to the Pomeroy Declaration, which Apple seeks to seal in whole or in part, also contain highly valuable

1 and sensitive business information related to, among other things, Apple's iCloud technology and
 2 trade secrets. Competitors could use this information to further develop and improve their own cloud
 3 services at Apple's expense. Competitors could also gain invaluable insight into how Apple's iCloud
 4 technology works and what competitive plans Apple may have for its iCloud service. Accordingly,
 5 public disclosure of the identified information concerning Apple's iCloud technology and trade secrets
 6 would cause Apple significant competitive injury, as competitors could use this information to gain
 7 an unfair advantage over Apple.

8 5. Apple therefore requests that the following information be sealed:

9 **Apple's Motion for Leave to File Sur-Reply**

10 6. Apple's Motion for Leave to File Sur-Reply contains highly sensitive, confidential
 11 commercial information related to Apple's iCloud data storage practices; business plans and projects;
 12 and technology and trade secrets, among other things. Apple and its affiliates go to great lengths to
 13 secure this information, and the public disclosure of this information could cause competitive harm to
 14 Apple for the reasons described above in Paragraphs 3 and 4. To summarize, public disclosure of this
 15 information would provide competitors with insight that they could use to unfairly compete with Apple
 16 by, for example, adopting Apple's strategic decision-making and practices or developing and
 17 improving their own cloud services at Apple's expense. Information in this document has been
 18 designated "Confidential – Attorneys' Eyes Only" by Apple pursuant to the Protective Order.
 19 Accordingly, Apple requests that the Court seal the following narrow and tailored redactions to protect
 20 Apple's non-public, confidential, proprietary business information, the public disclosure of which
 21 could cause significant harm to Apple: 2:10-13; 2:15-18; 2:25-3:1.

22 **Apple's Sur-Reply**

23 7. Apple's Sur-Reply contains highly sensitive, confidential commercial information
 24 related to Apple's iCloud data storage practices; business plans and projects; and technology and trade
 25 secrets, among other things. Apple and its affiliates go to great lengths to secure this information, and
 26 the public disclosure of this information could cause competitive harm to Apple for the reasons
 27 described above in Paragraphs 3 and 4. To summarize, public disclosure of this information would
 28 provide competitors with insight that they could use to unfairly compete with Apple by, for example,

adopting Apple's strategic decision-making and practices or developing and improving their own cloud services at Apple's expense. Information in this document has been designated "Confidential – Attorneys' Eyes Only" by Apple pursuant to the Protective Order. Accordingly, Apple requests that the Court seal the following narrow and tailored redactions to protect Apple's non-public, confidential, proprietary business information, the public disclosure of which could cause significant harm to Apple: 1:24-25; 2:2-11; 2:17-21; 3:2-3; 3:5-12; 3:14-18; 4:1-3; 4:5-9; 4:11-14; 4:17-18; 4:21; and footnotes 2 and 4.

Exhibit B to the Pomeroy Declaration

8. Exhibit B to the Pomeroy Declaration contains highly sensitive, confidential commercial information related to Apple's iCloud data storage practices; business plans and projects; and technology and trade secrets, among other things. Apple and its affiliates go to great lengths to secure this information, and the public disclosure of this information could cause competitive harm to Apple for the reasons described above in Paragraphs 3 and 4. To summarize, public disclosure of this information would provide competitors with insight that they could use to unfairly compete with Apple by, for example, adopting Apple's strategic decision-making and practices or developing and improving their own cloud services at Apple's expense. Information in this document has been designated "Confidential – Attorneys' Eyes Only" by Apple pursuant to the Protective Order. Accordingly, Apple requests that the Court seal Exhibit B to the Pomeroy Declaration in its entirety to protect Apple's non-public, confidential, proprietary business information, the public disclosure of which could cause significant harm to Apple.

Exhibit C to the Pomeroy Declaration

9. Exhibit C to the Pomeroy Declaration contains highly sensitive, confidential commercial information related to Apple's iCloud data storage practices; business plans and projects; and technology and trade secrets, among other things. Apple and its affiliates go to great lengths to secure this information, and the public disclosure of this information could cause competitive harm to Apple for the reasons described above in Paragraphs 3 and 4. To summarize, public disclosure of this information would provide competitors with insight that they could use to unfairly compete with Apple by, for example, adopting Apple's strategic decision-making and practices or developing and

1 improving their own cloud services at Apple's expense. Information in this document has been
2 designated "Confidential – Attorneys' Eyes Only" by Apple pursuant to the Protective Order.
3 Accordingly, Apple requests that the Court seal Exhibit C to the Pomeroy Declaration in its entirety
4 to protect Apple's non-public, confidential, proprietary business information, the public disclosure of
5 which could cause significant harm to Apple.

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I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 22, 2021 in San Jose, California.



Ahmed Bashir